

On further review of that latter patent, it is clear that the side chain CR₁R₂CR₇R₈NR₃R₄ is different from the CR₁R₂NR₃R₄ side chain of the present case. The group CR₇R₈ in the '449 patent cannot form an alkyl group and therefore there is no overlap as initially thought by the Examiner between the '449 patent and the instant claims. Instead, Applicants propose to submit by Supplemental Response, declaration evidence showing unexpected superiority for the compounds of the present application as compared to representative compounds of the '449 patent. Based on that evidence, reconsideration and allowance of the application will be requested and the Terminal Disclaimer for the '828 patent will also be submitted.

Respectfully submitted,

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